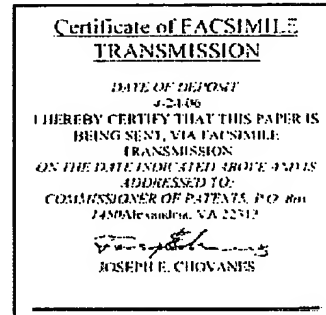


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APR 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/740,263
Filed: 12/18/2003
For: CREATINE SALTS
AND METHOD OF MAKING SAME
Art Unit: 1621
Examiner: Price, Elvis O.
Atty Dkt.: 84-03



Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

I, Matthias Boldt, do hereby declare the following:

- 1) I am the named inventor of the above-identified patent application.
- 2) I have read and understand the present application including the claims as originally filed.
- 3) I have read and understand the Office Action dated December 22, 2005 in connection with the present application.
- 4) In the office action, claims 1-13 stand as rejected under 35 U.S.C. 103(a) as being unpatentable over Negrisoni, et. al. (U.S. Patent No. 5,973,199 in view of Llewellyn, U.S. Patent Publication No. 2004/0077902, filed October 18, 2002.

- 5) I have read and understand the Negrisoli and Llewellyn references, and the corresponding rejections based on those references.
- 6) The inventions set forth in claims 1-13 of the present application were both conceived and reduced to practice in this country or in a NAFTA or WTO member country at least as early as May 6, 2002, which is well before the priority date of Llewellyn (October 18, 2002.)
- 7) Conception occurred at least as early as February 25, 2002, when I discussed various embodiments, including both di- and tri-creatine embodiments, with a contract laboratory.
- 8) It should also be noted that there was due diligence from conception to the subsequent reduction to practice.
- 9) An example of reduction to practice of the inventions according to the claims is illustrated in Exhibit 1 attached hereto, and dated May 6, 2002.
- 10) Exhibit 1 is a fax, received by the assignee of the present application, and showing a tri-creatine embodiment has been shipped from the contract laboratory, and was available for our receipt as of May 6, 2002.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

Matthias Boldt

EXHIBIT A To DECLARATION OF MATTHIAS BOLDT

05/06/2002 17:24

9893649878

TIANCHENG

PAGE 01

TIANCHENG INTERNATIONAL INC. U.S.A.

167 YORBA AVE. UNIT 5
THO, CA. 91710
S.A.

TEL: (909) 364-9880
FAX: (909) 364-9878
E.MAIL: tiancheng@tianchengusa.com

San Nutrition Corp.

Date: May.6, 2002

From: James Yuan

Fax: (818)772-051

80 kgs Tri-creating Malate

for Sins,

Please kindly note that the above mentioned goods under your /0

388 has been arrived in our warehouse. We hope you could

pick up the goods at address: 4842 Mission Blvd. Montclair,

9176. Meanwhile send us a check for payment.

Please call us to make appointment before you pick up.

Waiting for your further news.

Any thanks for your cooperation.

Best regards.

James Yuan

EXHIBIT A To DECLARATION OF MATTHIAS BOLDT

100/100

07/06/2002 12:38 FAX